UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,899	03/13/2007	Mohammad Vizaei	2003P12159WOUS	2983

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EXAMINER
OVANDO, PABLO R

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/572,899	VIZAEI, MOHAMMAD
		Examiner	Art Unit	
		Pablo R. Ovando	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>21 March 2006</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>7-17</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-17</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>21 March 2006</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

Claim Objections

Claims 9 and 16 are objected to because of the following informalities: claim 9

has a typographical error ("generate", correct to "generated"). Claim 16 recites "initiated

call is initiated computer". Examiner suggests changing to "initiated call is initiated in a

computer". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   **Claims 7-14 and 17** are rejected under 35 U.S.C. 102(b) as being anticipated by

Schwartz et al, US Patent 6,016,342 (hereinafter referenced as Schwartz).

As to **claim 7**, Schwartz teaches a method for automatically initiating a call to a first subscriber (col. 2, lines 48-52) in a communication network, comprising:

evaluating statistical regularities of calls from the first subscriber to a second subscriber (col. 2, lines 48-52); and automatically initiating the call to the first subscriber based on the statistical regularities (col. 2, lines 48-52).

As to **claim 8**, Schwartz teaches that the automatically initiated call includes an announcement (col. 2, lines 52-58).

As to **claim 9**, Schwartz teaches that the announcement is automatically generated based on the statistical regularities (col. 2, lines 52-58).

As to **claim 10**, Schwartz teaches that a connection is established between the first and second subscriber based on an input by the first subscriber, and wherein the input is specified by the announcement (col. 2, lines 55-60).

As to **claim 11**, Schwartz teaches that wherein the statistical regularities include the time of the calls from the first subscriber to the second subscriber (col. 2, lines 48-52).

As to **claim 12**, Schwartz teaches that the statistical regularities are the time of the calls from the first subscriber to the second subscriber (col. 2, lines 55-60).

As to **claim 13**, Schwartz teaches that the calls from the first subscriber to the

second subscriber are evaluated in a switching center connected to the network (col. 2

lines 40-47).

As to **claim 14**, Schwartz teaches that the automatically initiated call is initiated in

a switching center connected to the network (col. 2 lines 50-55).

As to **claim 17**, Schwartz teaches that the automatically initiated call is initiated

on behalf of the second subscriber (col. 2, lines 50-61).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   **Claims 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Schwartz in view of Grossman et al, US Patent 5,889,799 (hereinafter referenced

as Grossman).

As to **claim 15**, Schwartz teaches everything claimed, as applied to claim 8.

However, Schwartz does not teach that the calls from the first subscriber to the second

subscriber are evaluated in a computer connected to the network. In the same field of

endeavor, Grossman teaches that the calls from the first subscriber to the second

subscriber are evaluated in a computer connected to the network (col. 3, lines 10-25

and col. 5, lines 40-46). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teachings of Grossman in Schwartz for the purpose of efficiently updating and changing certain functions from a computer. Additionally, having a computer coupled to a network to control certain functions is well known in the art since it yields predictable results.

As to **claim 16**, Grossman teaches that the automatically initiated call is initiated in a computer connected to the network (col. 1, lines 35-44).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo R. Ovando whose telephone number is 571-272-9752. The examiner can normally be reached on M-F 7:30 am to 5:00pm, EST,Alternating Fridays off.
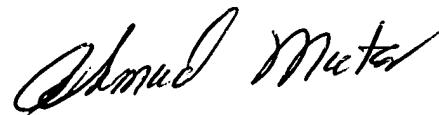
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.O.

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